



SECO Safety and Environmental Compliance Office

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**United States Department of Commerce
The Deputy Under Secretary for Oceans and Atmosphere
Washington, D.C. 20230
November 9, 1995**

MEMORANDUM FOR: Assistant Administrators
Staff Office DirectorsHugh Brennan
Director, Procurement and Administrative Services

FROM: Diana H. Josephson

SUBJECT: Environmental Compliance

I remind you that environmental compliance must be an important part of our way of doing business in NOAA. The State of Washington's Department of Ecology recently levied a fine of \$120,000 on NOAA citing failure to properly prepare dangerous waste for transportation, illegal transportation of dangerous waste, illegal storage of dangerous waste, and failure to manage waste containers. NOAA was further directed to develop personnel training plans, develop and implement laboratory and dangerous waste minimization systems at NOAA facilities (in Washington State), and develop facility management decision-making processes. This incident has brought unfavorable attention on our agency at a very difficult time, and is particularly embarrassing given our role in protecting and preserving the environment.

Failure to comply with our Nation's environmental laws is of particularly significant consequence because it can carry with it personal criminal charges to the transgressor and everyone in the chain of command. NOAA has in place a policy for meeting environmental requirements. I am hereby directing all personnel involved either in any aspect of handling, storing, or moving dangerous or hazardous materials or wastes, or in the direct chain of command of such individuals, to review and implement NAO 216-17. This NAO will be revised in the near future, but provides important guidance as it is presently constituted. Further, you are to only use properly permitted transporters for the movement of your hazardous or extremely hazardous materials and wastes.

Training is a fundamental element in assuring compliance with laws and regulations. The Federal environmental and safety regulations mandate basic and annual training for personnel managing or handling hazardous wastes. Further, facility records and personnel files must document the training of employees managing or handling these wastes. The failure to train employees and document their training are violations of environmental requirements. I, therefore, direct that all applicable facility employees and their supervisory chain of command receive mandated environmental and safety training. Funds for this training are to be made available through the programs, but may come from the one and one-half percent of program funds set aside specifically to support training. NOAA's Environmental Compliance Program staff will contact you directly to establish a training program and schedule appropriate for your organization.

Accountability is critical if our environmental compliance program is to succeed. Therefore, all employees who manage or handle hazardous materials and their supervisory chain of command will have included in their respective performance plans a direct reference to their specific responsibilities. All SES Plans are to include under the Leadership and Management performance element the following:

"Ensure organizational compliance with all relevant environmental statutes and regulations."

Where an employee has significant environmental compliance responsibilities (e.g., a laboratory director, facility manager, scientist, technician, etc.) a separate, stand-alone performance element, with a value of from 10 percent up to 35 percent, should be included in the individuals Performance Plan. Suggested wording for the element is as follows:

Element	- Environmental Compliance Program
Objective	-To comply with the environmental compliance requirements specified in DAO 216-17, NAO 216-17, and Executive Order 12088
Major Activities	1) Coordinates day-to-day environmental compliance 2) Implements environmentally sound practices 3) Participates in appropriate training, meetings, conferences, and other activities 4) Provides applicable reports in a timely fashion

NOAA must continue to take immediate and aggressive action relative to environmental compliance requirements. I believe the above-listed measures will result in major improvements to NOAA's environmental program. We will continue our efforts to secure adequate funding for our environmental compliance programs. Working together our environmental compliance program will become the model for other agencies.